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DESERT PALACE, INC., d/b/a CAESARS PALACE

11  
12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA  
14

15 WILLIAM J. BERRY, JR.;  
16 CYNTHIA FALLS; and SHANE  
KAUFMAN,

17 Plaintiffs,

18 v.

19 DESERT PALACE, INC., d/b/a  
20 CAESARS PALACE; DOES I  
through X, and ROE BUSINESS  
21 ENTITIES I through X, inclusive,

22 Defendants.

Case No. 2:17-cv-00019-GMN-PAL

**STIPULATION AND ORDER TO  
STAY LITIGATION PENDING  
OUTCOME OF MEDIATION**

23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs  
24 WILLIAM J. BERRY, JR., CYNTHIA FALLS, and SHANE KAUFMANN and  
25 Defendant DESERT PALACE, INC., d/b/a CAESARS PALACE, by and through  
26 their respective counsel of record, that the current proceedings be stayed pending the  
27 outcome of a mediation between the parties, which will be set in early December  
28 2017. The parties state as follows:

1           1.     This matter was commenced on January 3, 2017 [ECF No. 1].

2           2.     On June 2, 2017, the Court granted the parties' proposed discovery  
3 plan/scheduling order [ECF No. 25], which set December 29, 2017 as the discovery  
4 cut-off date in this matter.

5           3.     On June 26, 2017, the parties took part in an Early Neutral Evaluation  
6 Conference with Magistrate Judge George Foley, Jr. [*see* ECF No. 27]. The case  
7 continued on the normal litigation track because no settlement was reached.

8           4.     The parties have thereafter engaged in extensive written discovery and  
9 document productions to each other.

10          5.     On September 15, 2017, defendant filed a motion to sever the claims of  
11 William J. Berry, Jr. [ECF No. 29]. Plaintiffs' response was initially due on  
12 September 29, 2017, but the parties agreed to extend time for plaintiffs to respond due  
13 to new associating counsel joining the matter on plaintiffs' behalf [*see* ECF No. 32].

14          6.     During this first extension of time, the lead counsel for the parties  
15 conferred on several occasions regarding the issues in the case and whether it would  
16 be wise to explore mediation. The parties therefore agreed to a second, and  
17 subsequently a third, extension of time for plaintiffs to respond to defendant's motion  
18 to sever to allow the parties to continue their discussions regarding setting up and  
19 scheduling a mediation session within the next two months [*see* ECF Nos. 35, 38].

20          7.     As the discussions have progressed, the parties have decided to move  
21 forward with mediation, have agreed to an outside mediator, and are in the process of  
22 finalizing terms and a mutually agreeable date for the mediation, which will be set on  
23 December 5th, 12th, 13th, or 14th of 2017.

24          8.     The parties have further agreed to file the instant Stipulation and Order  
25 seeking to stay all proceedings in this matter, including the adjournment of the  
26 following deadlines until after the mediation is concluded:

- 27               (i)   Plaintiffs' deadline to respond to defendant's motion to sever the  
28                       claims of William J. Berry, Jr. [ECF No. 29];

- (ii) The discovery deadlines set forth in the discovery plan/scheduling order [ECF No. 25];
- (iii) Defendant's deadline to respond to Plaintiffs' 5th Set of Requests to Produce Documents; and
- (iv) Defendant's deadline to search for and produce responsive electronically stored information (ESI) in response to Plaintiffs' Requests to Produce Nos. 12, 16, 17, and 18.

9. The parties will file an interim status report on Monday, October 30, 2017, as currently required by Local Rule LR 26-3.

10. The parties will also file a status report informing this Court of the status of the matter within seven (7) days of completion of the mediation. If mediation is not successful, the parties' report will include new proposed deadlines for the discovery cut-off, expert disclosures, dispositive motions, the joint pre-trial order, plaintiffs' response to ECF No. 29, defendant's production of ESI, and defendant's response to plaintiff's Fifth Set of Requests to Produce Documents.

11. A stay in this matter will allow the parties an opportunity to attempt to settle this litigation without incurring any more fees and costs than absolutely necessary, thereby promoting the interests of judicial economy and efficiency. No prejudice would result to any party if this joint Stipulation and Order is granted.

12. This stipulation is made in good faith to allow the parties to make diligent and sincere efforts to resolve the matter without further involvement of the Court and is not for the purpose of causing any undue delay.

IT IS SO STIPULATED.

Dated: October 26, 2017

By: /s/ Esther G. Lander  
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Dated: October 26, 2017

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Falls, and Shane Kaufmann*

**IT IS SO ORDERED:**

  
United States Magistrate Judge

Dated: October 31, 2017